

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

6 OCTOBER 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Robert Owen, employee in the Finance Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Burroughs-White introduced and read into the minutes a resolution honoring the memory of the late Bennie Wayne Higgins. After she introduced the members of the Higgins family who were present in the Chamber, Terry Higgins spoke to his father's inspirational life. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

162-99 RESOLUTION HONORING THE MEMORY OF THE LATE BENNIE WAYNE HIGGINS

WHEREAS, on August 27, 1999, this community lost one of its outstanding community leaders with the death of Bennie Wayne Higgins, at the age of 56;

WHEREAS, a native of Greensboro, Mr. Higgins dedicated his life to his family, education and public service;

WHEREAS, Mr. Higgins devoted career in education included, teaching biology, coaching and Dean of Boys at Dudley High School until 1971 when he became assistant principal for Mendenhall Middle School and Smith High School where he later served as principal for 14 years until his retirement in March, 1999;

WHEREAS, Mr. Higgins participated in many community and professional organizations including, Leadership Greensboro, the Guilford County Teen Court Advisory Committee, Board of Directors of Greensboro Beautiful and the North Carolina High School Athletic Association as well as being a life member of the North Carolina Congress of PTAs;

WHEREAS, a recipient of many honors, Mr. Higgins was named "Administrator of the Year" for the North Carolina Association of Office Personnel, Greensboro City Schools and for District 6, North Carolina Association of Office Personnel;

WHEREAS, reared in a family nurtured in the church, Mr. Higgins was an active member of the Shiloh Baptist Church serving as Trustee, Sunday School Teacher and Chairman of the Search Committee;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Bennie Wayne Higgins, for the outstanding contributions he has made to the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Bennie Wayne Higgins.
2. That a copy of this resolution shall be delivered to the family of the late Mr. Higgins as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Claudette Burroughs-White

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The Mayor read the following statement prior to discussion of the HOPE VI project:

“In continuing the discussion of HOPE VI matters, I would like to establish the framework as follows:

(1) It is important for all speakers, whether in regard to HOPE VI or other matters, to remember that the City Council expects remarks to be made in a civil manner. We understand that there are strong emotions attached to many of the questions that members of Council must address. However, we cannot understand your concerns and give careful consideration to issues unless the presentation preserves the best qualities of our democratic process.

(2) Following the presentation by the NAACP (30 minutes to match the time allotted to the Greensboro Housing Authority presentation), individual speakers will be called to the podium. There will be a three-minute time limitation of each speaker. Those persons who signed up to speak September 21 and were unable to do so because of time limitations will be called first. Then we will invite persons who have not yet addressed this issue to ask questions or express their concerns.

(3) It is our intention to complete all matters related to HOPE VI within two hours. There will be opportunities for additional meetings on HOPE VI questions in the future.”

The Mayor advised in approximately six weeks Council would have an official response to issues raised regarding the execution of the HOPE VI project and spoke to the recurring issues of concern. At the Mayor’s request, Assistant City Manager Mona Edwards briefly commented on the following concerns voiced at the September 21 meeting of Council:

- The neighborhood will be changed from poor/working-class neighborhood to a middle-class neighborhood. Greensboro’s poorest will be displaced.
- People are being evicted from public housing to make room for relocation.
- Self-sufficiency programs are ineffective and they are not available to families that have already moved.
- Residents are not being allowed to participate and resident representatives are hand-picked.
- African-American businesses are not being hired and residents are not being employed (section 3).
- Responsible homeowners are being removed.
- Facts given to Council differ from those given to residents.
- Housing Authority will let property deteriorate once project is complete and the crime rate along with all the other neighborhood problems will return.

Earl Gill, residing at 2709 Yanceyville Street and Chairperson of the NAACP, spoke to the work of this organization on behalf of minority citizens, expressed the desire of the organization to partner with the Greensboro Housing Authority (GHA) on the HOPE VI project, spoke to his perception that misinformation had been distributed to residents in the target area, and cited the importance that the United States Department of Housing and Urban Development (HUD) investigate complaints with respect to the project's adherence to federal guidelines for community and minority participation; he requested Council to withhold the \$12.4 million in City funds until the confusion could be addressed.

Ezekiel Ben-Israel, residing at 309C College Road, offered his opinion with respect to the HOPE VI project, the information provided by the Greensboro Housing authority, and the Project's non-compliance with federal regulations for the receipt and use of federal monies; he stated that, in his opinion, the HOPE VI project belonged to the community. He spoke to requests for information from GHA and requested the opportunity for the NAACP to discuss with Council information about this Project.

Todd Warren, residing at 129 Poe Street, detailed HOPE VI projects in other cities, offered his thoughts about the Greensboro project, demanded that area residents have full participation and control, stated that GHA should be accountable for research of the project, and stated that, in his opinion, HOPE VI projects increased homelessness and poverty.

Bryan Kilpatrick, residing at 1505 Maple Street, spoke in opposition to the HOPE VI program. He stated that, in his opinion, this was a new urbanism movement that would result in the destruction of Morningside Homes after the project had been completed; spoke to the need to ensure residents could return to their homes; and stated that residents needed control of their community.

Elizabeth Fenn, residing at 2820 Robinhood Drive, spoke in opposition to HOPE VI. She stated that she believed area residents knew what was needed in the community, should be involved with the project and should be in control of their community. She offered her thoughts about GHA and its role in the HOPE VI project.

Cynthia Ivey ceded her time to Linda Jones.

Linda Jones, residing at 203 Bingham Street, spoke in support of the HOPE VI project and detailed neighborhood meetings and other efforts to provide correct project information to area residents; plans to continue communication, including relocated residents, during the various phases of the project; and efforts to strengthen the neighborhood organization. Ms. Jones welcomed assistance from other community groups and Greensboro residents.

Regina Whitsett, residing at 701 Apartment A Bingham Street, spoke in favor of the HOPE VI project and to the desire to ensure that relocated residents had the opportunity to return to the new housing and to obtain jobs offered in this community. She detailed efforts to inform residents and determine their desires with respect to housing, job skills and job opportunities.

Sheila Murray, resident of Morningside Homes, stated that she believed the redevelopment would be good for the neighborhood. She also spoke to her good work record and ethics; Ms. Murray also detailed community problems with gunshots, drug dealers, noise, traffic, etc.

Marcie Stamey, residing at 317 York Street, President of the Eastside Park Neighborhood Association, spoke to the positive impact the HOPE VI project would have on her neighborhood. She expressed concern with the manner in which some organizations had mislead area residents about this project, spoke to her hopes for Morningside Homes to become a desirable neighborhood, and expressed her concern with the negativity directed at the GHA and its efforts on behalf of this area.

Speaking to the demolition of a portion of Morningside Homes scheduled to begin in December, Heather Adams, residing at 416 Hillcrest Drive, expressed concern that Council would delay a response to citizens' concerns for six weeks; she requested a more timely response.

Elaine Ostrowski, GHA Director, advised the demolition schedule for this project had been revised and was scheduled to begin after the first of the year; she explained the overall impact this project would have on the community and the process for the relocation of residents; i.e., notification, assistance, etc. Ms. Ostrowski discussed with Council the status of the contract for the project, the public housing situation and its impact on Morningside Homes residents, and the facilitation by GHA of the HOPE VI project. She detailed North Carolina Department of Housing and Urban Development (HUD) requirements, MWBE requirements/goals for the project, and spoke to the process in place to ensure compliance. In response to Council inquiries, Ms. Ostrowski explained the Section 8 rental assistance program and its application to the HOPE VI project.

Larry Morse, residing at 224 Kensington Road, suggested that Council hold a meeting at Morningside Homes to receive additional citizens' input from residents.

Jay Burnett, residing at 12J River Oaks, expressed concern that residents were not in control of the project; he requested Council to withhold the \$12 million City funds and delay the \$76 million project to allow residents to become involved and decide what they need.

Helen France, residing on West Friendly Avenue, spoke to her perception of discrepancies in the HOPE VI plan, requested Council to receive alternative sources of knowledge and not rely solely on GHA's information, and asked Council to withhold the \$12 million from the project until issues had been addressed.

Terry Austin, residing at 1202 Grove St., spoke to the need for community participation and requested the empowerment of residents to make decisions; he requested Council to ensure accountability for the project, guarantee the poorest residents the right to housing in the new development, and withhold the City's \$12 million contribution until all questions were answered.

Evelyn Taylor, residing at 1815D Carver Drive, President of the Morningside Homes Neighborhood Association and representing the majority of homeowners in this area, spoke to criminal activities in the neighborhood, reiterated the desire of residents to have opportunities for decent jobs and better living conditions, and expressed concern that some individuals were opposed to the HOPE VI project to revitalize the community. She challenged citizens interested in the HOPE VI project to work with the residents to support the plan and improve the neighborhood.

Angela Lawrence, resident at Ray Warren Homes and a member of the Racial Justice Network, stated that her neighborhood had the same problems as Morningside Homes, expressed an interest in this project, questioned GHA's interest in the neighborhood, asked Council to research this project for themselves and reiterated that residents should be in control of happenings in their neighborhood.

Kelly Davis, residing at 2105 Three Meadows Road, spoke to misinformation provided to the public about the HOPE VI project; she also discussed the confusion involved with relocating residents, tracking residents who had moved out of public housing, or residents who were on the waiting list for public housing. She requested the Council to withhold the \$12 million City contribution to the project until concerns had been addressed.

Valerie Fritzell, residing at 129 Poe Street, spoke extensively to Section 8 Housing requirements and availability in Greensboro, commented about the HOPE VI project, and offered her opinion about the existence of drug problems in the Morningside Homes area and other sections of Greensboro.

Dandra Boyd, 1207 Arlee Street, spoke to the desire for Morningside Homes residents to have a better place in which to live, spoke to past failed rehabilitation projects, encouraged residents to become involved in this project, requested Council to research the HOPE VI for themselves, and asked Council to withhold the \$12 City funds until concerns were addressed and citizens were fully informed about the project.

Speaking to the HOPE VI project, Carrie McClenton, residing at 200 Spring Garden Street, Apartment 809, expressed her strong support of what she believed to be a much-needed project for the Morningside Homes area. She detailed her years as a resident of public housing, spoke to the high quality of Greensboro's public housing when compared to other cities, stated that citizens who hadn't lived in public housing communities didn't know about life in Morningside Homes, spoke to the effectiveness of HUD guidelines, and emphasized the benefits to Greensboro when this project was completed.

Council briefly discussed the HOPE IV project and the desire to ensure the distribution of accurate and timely information to residents in the Morningside Homes and the community that would be impacted by this project.

After Mayor Allen asked if anyone else wished to speak to this matter, no one expressed a desire to speak to the HOPE VI project.

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The Mayor declared a recess at 8:15 p.m.

The meeting reconvened at 8:27 p. m. with all members present.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance authorizing a Special Use Permit for a Community Membership Club with swimming and tennis facilities, athletic fields and facilities, and meeting space for civic and youth groups for property located at the northeast intersection of Sir Galahad Road and Belfield Drive; she advised that this matter was being heard on appeal filed by James W. Kee, Jr. after receiving a 5-3 vote by the Zoning Commission to recommend denial of the permit and was continued from the August 17, 1999 meeting of Council. Mayor Allen administered the oath to those individuals who wished to speak to this matter.

Bill Ruska, Zoning Administrator for the Planning Department, provided the following staff presentation:

REQUEST

This request is to obtain a Special Use Permit for a Community Membership Club.

The property is zoned RS-9 Residential Single Family and this zoning classification permits a club with approval of a Special Use Permit.

SPECIAL USE CONDITIONS FOR THE REQUESTED SPECIAL USE PERMIT

- 1) Uses: Community Membership Club with swimming and tennis facilities, athletic fields and facilities, and meeting space for civic and youth groups.
- 2) To be used primarily by residents from neighborhoods including, but not limited to, King's Forest, Nealtown Farms and Woodmere Park.
- 3) Architecture of building to be residential in nature - e.g. pitched roof, lap siding, and residential style and layout of windows.
- 4) Maximum size of building to be 15,000 square feet.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 11.4 acres and is located at the northeast intersection of Sir Galahad Road and Belfield Drive and east of the terminus of Lord Jeff Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-9	Vacant land
North	RS-9	Vacant land
	RS-5	Single family dwellings
East	RS-5	Single family dwellings
	RS-9	Vacant land
South	RS-9	Vacant land
West	RS-9	Multiple single family dwellings

Mr. Ruska stated that the Planning Department recommended approval of the request, and the Zoning Commission had voted to recommend its denial. He thereupon provided slides of the property and surrounding area.

Mark Isaacson, attorney with offices at 101 South Friendly Avenue and representing the owners of the property, spoke in favor of the rezoning of this property. He distributed information to Council about the rezoning proposal, reviewed the history of the property and the proposed development, and advised he would request the Council to consider adding the following amendments to the proposed ordinance authorizing the Special Use Permit formulated to address neighborhood concerns: Delete the current Condition # 4 Maximum size of building to be 15,000 square feet and add the following conditions # 4 through #10: 4) This Special Use Permit shall apply to only the real property more particularly described in Section 1 of the revised Special Use Permit ordinance which describes the meets and bounds of the property; 5) Applicant shall construct a planting buffer at two (2) times the planting rate and one and one half (1.5) times the width required by the Greensboro Development Ordinance along any boundary line of the subject property which adjoins any residentially zoned property; 6) Any clubhouse which may be constructed on the subject property described in Section 1 of the proposed Special Use Permit ordinance shall not exceed 5,000 square feet above ground; 7) No alcoholic beverages shall be sold on the property to which this Special Use Permit applies; 8) All exterior lighting shall be directed away from adjoining properties; 9) All entrances to the subject property shall be gated or otherwise secured; and 10) The clubhouse, swimming pool, tennis court and other recreational facilities on the subject property shall be operated by a separate corporation to be formed and operated under Section 501C of the Internal Revenue Code. Councilmember Vaughan moved that the conditions be added to the proposed ordinance. The motion was seconded by Councilmember Holliday and adopted unanimously by voice vote of the Council.

Mr. Isaacson thereupon reviewed plans for development, spoke to various factors that would impact the type of use for the property, reviewed the conditions contained in the proposed ordinance, and stated that the facility was designed to be used primarily by homeowners and the neighborhood community

Paul Gilmer, Sr., real estate broker residing at #3 Falcon Crest Court with a business on Martin Luther King Jr. Drive, spoke in favor of the proposed facility. He spoke to the need for this type of facility in the neighborhood and added that amenities were important for residents and in the marketing of homes.

Charles and Jonathan Timber, residing at 1316 Huffine Mill Road; and Nicky Kee, residing on Belfield Drive; spoke in favor of the special use permit to allow the facility for neighborhood activities and provide a location for recreational activities for children and families.

Rufus Farrior, attorney representing the King's Forest Homeowners Association, spoke in opposition to the Special Use Permit. He requested that Councilmember Holliday abstain from voting on this matter because his Mayoral campaign had received contributions from Mr. Isaacson; that any Council member with a financial interest in the project abstain from voting; and that he objected to the allocation time for the presentation of evidence. The City Attorney stated that Councilmember Holliday nor the other members of Council could abstain from voting unless they had a financial interest in this matter; she also reiterated that the Courts had upheld it was proper for Council to set a time limit for speakers if both proponents and opponents were provided equal time for presentations.

Mr. Ferrier provided additional information, objected to the proposed community membership club and stated that, in his opinion, the use would injure the value of adjoining property owners, would not be in harmony with the area, and would increase traffic in the neighborhood.

Mary Whittington, residing at 1608 Sir Galahad, stated the neighbors had no objections to the housing in this proposed plan but opposed the Special Use permit for a club. She provided slides of area; stated the facility would increase traffic, noise, violence, etc. in area; and stated that area residents had signed a petition opposing this change. number of residents/property owners who were present in the Chamber stand to express their opposition to the zoning change.

The City Attorney cautioned that Council could not consider evidence that was not sworn nor specific details about the proposed zoning change that were not listed under the conditions contained in the proposed Special Use permit ordinance.

Council discussed with the City Attorney and Mr. Ruska various opinions with respect to this proposal and reviewed Code requirements for this type of use.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this request be approved. The applicant has submitted a preliminary site plan to the City's Technical Review Committee. After examining this plan, the TRC is going to require that Lord Jeff Drive and Sir Galahad Road be connected. This may require the re-design or re-location of an athletic field and overflow parking area shown by the applicant in the northwestern section of the property. Staff feels that the proposed use consisting of a clubhouse, swimming pool, tennis courts, picnic shelters, and walking trail, in addition to the previously mentioned athletic field, will be a beneficial recreational facility that will serve the nearby neighborhoods. Staff feels that this property is ideally located to serve the surrounding neighborhood children and adults as a community membership club. Not only is it central to those neighborhoods, but it also is not located on a busy thoroughfare or collector street which should help encourage pedestrian access to make use of the facilities.

Councilmember Johnson moved that the ordinance, as amended, granting a Special Use Permit for use of this property for a Community Membership be approved based on the following findings of fact:

- 1) The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the proposed use of the property for a community membership club.
- 2) That the use will meet the restriction(s) imposed by the applicant which state that the club will be used primarily by surrounding neighborhoods, that the architecture of the building is to be residential in nature, and that the maximum building size will be 5,000 square feet.
- 3) The use will not substantially injure the value of adjoining or abutting property because a community membership club with recreational facilities will be a beneficial facility that will serve the nearby neighborhoods.
- 4) The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the property is ideally situated to serve the surrounding neighborhoods with meeting and recreational facilities that encourage pedestrian access.

The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote:
Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan.
Noes: None.

99-167 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF SPECIAL USE PERMIT

NORTHEAST INTERSECTION OF SIR GALAHAD ROAD AND BELFIELD DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the issuance of a Special Use Permit authorizing use of the property described below for a community membership club in a RS-9 Residential Single Family District (subject to those conditions and limitations as set forth in Section 2, 3, and 4 of this ordinance):

BEGINNING at an iron pipe, said iron pipe being located N03°58'28"E 271.79 feet from an existing iron pipe control corner, said control corner being the northeast corner of Lot 49 of Kings Forest Subdivision, Section 9, a plat of which is recorded in Plat Book 47, Page 47, in the Guilford County Registry, and from said point of beginning thence N69°54'E 695.94 feet to an iron pipe; thence S00°05'26"W 305.39 feet to an iron pipe, corner with R.G. Hancock heirs and heirs of Rufus Travis; thence S70°30'W 474.10 feet to an iron pipe, corner with Rufus Travis heirs; thence with the line of Rufus Travis heirs S03°00'25"W 205.43 feet to a point, said point being along a proposed street right-of-way; thence following the proposed street right-of-way along a curve with a chord bearing and distance of N15°34'17"W 191.89 feet to a point; thence continuing along the proposed street right-of-way N32°44'31"W 285.39 feet to an iron pipe, the point and place of BEGINNING. The foregoing metes and bounds description is prepared from information taken from Deed Book 3561, Page 8, a survey prepared by Marvin L. Borum and Associates recorded in Plat Book 92, Page 91, in the Guilford County Registry, and preliminary design information prepared by Civil Designs, P.A. This description does not include any easements or right-of-way that may cross or exist within the described properties.

Section 2. That the issuance of a Special Use Permit is hereby authorized subject to the following conditions:

- 1) Uses: Community Membership Club with swimming and tennis facilities, athletic fields and facilities, and meeting space for civic and youth groups.
- 2) To be used solely by residents from neighborhoods including, but not limited to, King's Forest, Nealtown Farms and Woodmere Park.
- 3) Architecture of building to be residential in nature - e.g. pitched roof, lap siding, and residential style and layout of windows.
- 4) This Special Use Permit shall apply to only the real property more particularly described in Section 1.
- 5) Applicant shall construct a planting buffer at two (2) times the planting rate and one and one half (1.5) times the width required by the Greensboro Development Ordinance along any boundary line of the subject property which adjoins any residentially zoned property.
- 6) Any clubhouse which may be constructed on the subject property described in Section 1 shall not exceed 5,000 square feet above ground.
- 7) No alcoholic beverages shall be sold on the property to which this Special Use Permit applies.
- 8) All exterior lighting shall be directed away from adjoining properties.
- 9) All entrances to the subject property shall be gated or otherwise secured.
- 10) The clubhouse, swimming pool, tennis court and other recreational facilities on the subject property shall be operated by a separate corporation to be formed and operated under Section 501(c) of the Internal Revenue Code.

Section 3. For use as a community membership club, this property will be perpetually bound and subject to the conditions imposed in Section 2, unless subsequently changed or amended, or until such time as this Special Use Permit shall expire or the permitted activity shall be discontinued, as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to this Special Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations of, or failure to accept, any conditions and limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Yvonne J. Johnson

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Mayor Allen stated that this was the time and place set for a public hearing to amend the Gorrell Street Redevelopment Plan for the Magnolia House Motel proposal; she advised this matter had been continued from the September 7 and September 21, 1999 meetings of Council. The Mayor asked if anyone wished to be heard.

Because this matter had been continued to allow the Legal Department staff to conduct a research of the title for this property, the City Attorney advised her department had determined that Samuel Pass was the owner of this property.

Arthur T. Gist, Jr., spoke in opposition to the amendment. He reviewed the history and past ownership of this property and discussed his plans to pursue legal action with respect to the current ownership of the property.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

163-99 RESOLUTION OF CITY COUNCIL OF THE CITY OF GREENSBORO APPROVING AN AMENDMENT TO THE GORRELL STREET REDEVELOPMENT PLAN PROVIDING FOR COMMERCIAL USE OF PROPERTY AT 442 GORRELL STREET AND 272 PLOTT STREET

WHEREAS, the Redevelopment Commission of Greensboro has made detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural, and economic conditions of the Gorrell Street area and has determined that the area is a rehabilitation, conservation and reconditioning area under the provisions of G.S. 160A-503 (2);

WHEREAS, the City Council on May 16, 1991 approved the Gorrell Street Redevelopment Plan, which prescribes certain land use, zoning, and improvement activities and includes a relocation policy which will provide financial and advisory services to displaced families, individuals and businesses;

WHEREAS, the Redevelopment Commission has undertaken appropriate study and held a public hearing to receive public comments on a change to the adopted Gorrell Street Redevelopment Plan and has voted on July 20, 1999 to recommend an amendment to the Gorrell Street Redevelopment Plan;

WHEREAS, the change recommended by the Redevelopment Commission will allow for the commercial use of property located at 442 Gorrell Street and 272 Plott Street under the condition that the uses are limited to a bed and breakfast, restaurant, and training facility utilizing the existing building which shall be renovated;

WHEREAS, it is in the best interest of the City to amend said Plan as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the Gorrell Street Redevelopment Plan is hereby amended as follows:
 - a. The Land Use Plan (RP-2), and the Preliminary Site Plan (RP-7), are changed to provide for the commercial use of property located at 442 Gorrell Street and 272 Plott Street. (Copies of amended maps attached and made a part of this resolution).
 - b. That commercial use of said property is limited to a bed and breakfast, restaurant, and training facility utilizing the existing building that shall be renovated.
2. That it is hereby found and determined that the Gorrell Street Redevelopment Plan, as amended, conforms to the general plan.

(Signed) Yvonne J. Johnson

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance granting a special use permit for a Tourist Home (Bed & Breakfast) for property located on the west side of South Mendenhall Street between West Market Street and Rankin Place. The Mayor administered the oath to those individuals who wished to speak to this matter.

Mr. Ruska provided the following staff presentation:

REQUEST

This request is to obtain a Special Use Permit for a Tourist Home (Bed & Breakfast). A Bed & Breakfast with four guest bedrooms is currently operated on the property. This facility pre-dates the Development Ordinance requirements with respect to this land use. Since the owners wish to expand, they must obtain the Special Use Permit.

The property is zoned RS-5 Residential Single Family and this zoning classification permits a Tourist Home with approval of a Special Use Permit. Development standards which pertain to Bed & Breakfasts include:

- 1) The facility shall not be located within 400 feet of a rooming or boarding house, or another Bed & Breakfast.
- 2) It must be operated by a resident manager.
- 3) The use must be located in a building which was originally constructed as a dwelling.
- 4) It may contain only one kitchen and meals served on the premises must be only for overnight guests and the residents of the facility.
- 5) Use of the facility by any one patron is limited to no more than 15 days per 60-day period.

SPECIAL USE CONDITIONS FOR THE REQUESTED SPECIAL USE PERMIT

- 1) Total of six (6) guest bedrooms.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately .05 acre and is located on the west side of South Mendenhall Street between West Market Street and Rankin Place.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-5	Tourist Home
North	GO-M	Multifamily building
East	RS-5	Multifamily building and single family dwelling
South	RS-5	Multifamily building
West	GO-M	Vacant

Mr. Ruska stated that the Planning Department and Zoning Commission recommended approval of the request. He thereupon presented slides of the property and surrounding area.

Mayor Allen asked if anyone wished to be heard.

Gwen Brown, residing at 114 South Mendenhall Street, spoke to her family's restoration of this historic structure and its operation as a bed and breakfast inn, detailed their efforts to minimize any negative impact this business would have on the surrounding neighborhood, and emphasized the need to expand the facility to meet the

needs of their clients and avoid the loss of business to other similar facilities. She requested Council to approve the Special Use Permit.

Allan Beaman, residing at 107 South Mendenhall Street, spoke in opposition to the special use permit. He stated that the residential neighborhood was not protected by zoning restrictions and expressed concern that the facility decreased property value, increased traffic, and had a negative impact on the neighborhood.

Some members of Council commended Ms. Brown for the restoration of this historic structure and commended them for working with the Neighborhood Association to discuss future plans.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this request be approved. At their August 25, 1999 meeting, the Historic Preservation Commission voted unanimously to recommend to the Zoning Commission that the Special Use Permit be granted. The Historic Preservation Commission also approved, with conditions, a Certificate of Appropriateness for an addition on the north side to the Troy Bumpass Inn and an expanded parking area on the west side of the property. These conditions include: 1) that there be an archeological survey consistent with the historic district guidelines; 2) that the double doors on the rear elevation be centered; 3) any modifications of the proposed elevations in the site plan must be brought back to the Historic Preservation Commission for review; 4) that an appropriate landscape plan be presented to staff and, if there is any question about noncompliance with the guidelines, that it be brought before the Commission for review; 5) that the construction materials be specified; and 6) examination and specificity of the brick selection and window selection be added for further approval. The ordinance allows a Tourist Home (Bed & Breakfast) in the RS-5 Residential Single Family District with approval of a Special Use Permit. The ordinance allows a maximum of 6 guest bedrooms which is a condition of this requested Special Use Permit. Staff feels that this is a reasonable request which has been reviewed by the Historic Preservation Commission for compatibility with the College Hill Historic District guidelines and, therefore, recommends that the Special Use Permit be granted. Due to the fact that this property is in the historic district, the Zoning Commission can only make a recommendation and final action will be taken on the Special Use Permit by the City Council.

Councilmember Carmany moved that the ordinance granting a Special Use Permit for use of this property for a Tourist Home (Bed & Breakfast) be approved based on the following findings of fact:

- 1) The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the use of the property for a tourist home.
- 2) That the use will meet the restriction imposed by the applicant which states there will be a total of six guest bedrooms.
- 3) The use will not substantially injure the value of adjoining or abutting property because a tourist home has operated at this location for many years.
- 4) The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the Historic Preservation Commission has recommended in favor of the Special Use Permit and has approved, with appropriate conditions, a Certificate of Appropriateness for the expansion of the building as being consistent with the guidelines for the College Hill Historic District.

99-168

AMENDING OFFICIAL ZONING MAP AND
AUTHORIZING ISSUANCE OF SPECIAL USE PERMIT

WEST SIDE OF SOUTH MENDENHALL STREET BETWEEN WEST MARKET STREET AND RANKIN PLACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the issuance of a Special Use Permit authorizing use of the property described below for a Tourist Home (Bed & Breakfast) in a RS-5 Residential Single Family District (subject to those conditions and limitations as set forth in Section 2, 3, and 4 of this ordinance):

BEGINNING at a point in the western right-of-way line of South Mendenhall Street, said point being a common corner with Greensboro Boxwood Associates, thence along said western right-of-way line S04°31'00"W 98.85 feet to a point, said point being the northeast corner of C.T. Leath; thence N88°16'00"W 207.98 feet to a point; thence N04°32'00"E 109.31 feet to a point; thence S85°23'00"E 207.70 feet to the point and place of BEGINNING, as shown on "Survey for Charles W. Brown and Gwendolyn G. Brown" prepared by Robert E. Wilson, Inc. Registered Land Surveyor, Job No. 47,994 dated April 8, 1992.

Section 2. That the issuance of a Special Use Permit is hereby authorized subject to the following conditions:

- 1) Total of six (6) guest bedrooms.

Section 3. For use as a Tourist Home (Bed & Breakfast), this property will be perpetually bound and subject to the conditions imposed in Section 2, unless subsequently changed or amended, or until such time as this Special Use Permit shall expire or the permitted activity shall be discontinued, as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to this Special Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations of, or failure to accept, any conditions and limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Sandy Carmany

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance annexing 4.437 acres of territory to the corporate limits of property located on the south side of East Vandalia Road. She thereupon introduced so that these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located south of East Vandalia Road and east of South Elm-Eugene Street. The Mayor asked if anyone wished to be heard.

Mr. Ruska spoke briefly to the annexation and rezoning and stated that the Planning Department recommended that this rezoning request be approved; he stated that RS-12 was the zoning classification which surrounded this property to the west, north and east and, for that reason, this original zoning request was compatible with the established pattern in the area.

There being no one present desiring to speak to this matter, Councilmember Johnson moved adoption of the ordinance annexing 4.437 acres of territory to the corporate limits of property located on the south side of East Vandalia Road. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-169 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE SOUTH SIDE OF EAST VANDALIA ROAD -- 4.437 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

A certain tract or parcel of realty, lying and being in Fentress Township, Guilford County North Carolina, being more fully described as follows, viz:

BEGINNING at a calculated point at the southeast corner of lot 11, PB 40, PG 8; thence, with the line of Robert Edward Bolin, (DB 3637, PG 1474) a course of North 47 degrees 13 minutes 30 seconds West for a distance of 389.71 feet to a calculated point; thence, continuing with the line of Robert Edward Bolin, a course of North 38 degrees 50 minutes 30 seconds West, for a distance of 290.87 feet to the centerline of a creek; thence, with the centerline of the creek, said centerline of the creek being the existing City of Greensboro City Limit line, a course of North 31 degrees 38 minutes 53 seconds East, for a distance of 104.41 feet to a calculated point; thence, continuing with the creek, a course of North 63 degrees 41 minutes 40 seconds East, for a distance of 42.66 feet to a calculated point; thence, continuing with the creek, a course of North 14 degrees 41 minutes 45 seconds East, for a distance of 62.14 feet to a calculated point; thence, leaving the creek with the existing City of Greensboro City Limit line along the arc of a circular curve with a radius of 280.05 feet and a delta angle of 24 degrees 57 minutes 45 seconds for an arc length of 122.01 feet, a chord bearing of North 72 degrees 49 minutes 03 seconds East and chord length of 121.05 feet to a calculated point; thence, continuing with the existing City of Greensboro City Limit line, a course of North 84 degrees 20 minutes 49 seconds East for a distance of 208.61 feet to a calculated point in the eastern line of lot 11, PB 40, PG 8,, a common corner with Jerry Thomas Kirkman et us (DB 3834 PG 1338, Lot 2, PB 73 PG 235) and Eugene Herman Alexander et ux, (DB 2854 PG 579 Lot 3 PB 73 PG 235); thence, with the line of Eugene Herman Alexander, a course of South 2 degrees 55 minutes 00 seconds East, for a distance of 716.34 feet to a calculated point, the point and place of BEGINNING and containing 193,258 square feet or 4.437 acres, more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 1999.

(Signed) Yvonne J. Johnson

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There being no one present desiring to speak to this matter, Councilmember Perkins moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located south of East Vandalia Road and east of South Elm-Eugene Street. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-170 AMENDING OFFICIAL ZONING MAP

SOUTH OF EAST VANDALIA ROAD AND EAST OF SOUTH ELM-EUGENE STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a calculated point at the southeast corner of Lot 11, Plat Book 40, Page 8 in the Office of the Guilford County Register of Deeds; thence with the line of Robert Edward Bolin (Deed Book 3637, Page 1474) N47°13'30"W 389.71 feet to a calculated point; thence continuing with the line of Robert Edward Bolin N38°50'30"W 290.87 feet to the centerline of a creek; thence with the centerline of the creek, said centerline of the creek being the existing City of Greensboro city limit line, N31°38'53"E 104.41 feet to a calculated point; thence continuing with the creek N63°41'40"E 42.66 feet to a calculated point; thence continuing with the creek N14°41'45"E 62.14 feet to a calculated point; thence leaving the creek with the existing City of Greensboro city limit line along the arc of a circular curve with a radius of 280.05 feet and a delta angle of 24°57'45" for an arc length of 122.01 feet, a chord bearing N72°49'03"E and chord length 121.05 feet to a calculated point; thence continuing with the existing City of Greensboro city limit line N84°20'49"E 208.61 feet to a calculated point in the eastern line of Lot 11, Plat Book 40, Page 8, a common corner with Jerry Thomas Kirkman et ux (Deed Book 3834, Page 1338, Lot 2 Plat Book 73, Page 235) and Eugene Herman Alexander et ux (Deed Book 2854, Page 579, Lot 3 Plat Book 73, Page 235); thence with the line of Eugene Herman Alexander S02°55'00"E 716.34 feet to a calculated point, the point and place of BEGINNING and containing 4.437 acres, more or less.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Robert V. Perkins

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance annexing 27.78 acres of territory to the corporate limits of property located north of Horse Pen Creek Road and west of Battleground Avenue. She thereupon introduced so that these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-RS-20 Residential Single Family to City Zoning Conditional Use-RS-20 Residential Single Family for property located on the north side of Horse Pen Creek Road on the east and west sides of Laurel Run Drive. Mayor Allen asked if anyone wished to be heard.

Mr. Ruska spoke briefly to the annexation and zoning; he thereupon provided the following staff presentation:

The Planning Department recommends that this original zoning request be approved. This carries forth the same CU-RS-20 zoning that currently exists under the County ordinance. The Zoning Commission recommended approval for RS-20 zoning on the property immediately to the west and adjacent to the subject property at the August meeting. Since this is a water and sewer agreement annexation initiated by the City and the original zoning proposed is exactly the same as the County zoning, no findings of fact must be made and only a simple motion is required.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the ordinance annexing 27.78 acres of territory to the corporate limits of property located north of Horse Pen Creek Road and west of Battleground Avenue. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-178 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED NORTH OF HORSE PEN CREEK ROAD -- 27.78 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the northern right-of-way line of Horse Pen Creek Road (60 foot right-of-way), said point being also in the southwestern corner of Walter G. Barham property as described in Deed Book 1407, Page 247, Guilford County Register of Deeds, and being the point and place of beginning, running thence, with the northern right-of-way line of Horse Pen Creek Road (SR 2182) along a curve to the left having a radius of 612.94 feet and a chord bearing and distance of North 75 degrees 32 minutes 55 seconds West, 182.53 feet to an existing iron pipe; thence, North 84 degrees 06 minutes 41 seconds West, 551.27 feet to an existing iron pipe in the southeastern corner of Santie H. Cummings and Jack W. Cummings property as recorded in Plat Book 118, Page 83, in the Guilford County Register of Deeds; thence, leaving the right-of-way of Horse Pen Creek Road running along the eastern line of Santie H. Cummings and Jack W. Cummings property, North 05 degrees 59 minutes 27 seconds East, 368.35 feet to an existing iron pipe; thence, running along the eastern line of Green's Crossing Investment Corporation, North 19 degrees 45 minutes 00 seconds East, 904.38 feet to an existing iron pipe; thence, North 17 degrees 57 minutes 51 seconds East, 957.09 feet to an existing iron pipe in the northeastern corner of the Edward N. and Pamela Robinson property; thence, North 04 degrees 22 minutes 04 seconds West, 86.04 feet to an existing iron pipe; thence, North 03 degrees 56 minutes 05 seconds West, 209.15 feet to an existing iron pipe in the southwestern corner of Charity Baptist Church as described in Deed Book 2749, Page 893, in the Guilford County Register of Deeds; thence, North 82 degrees 54 minutes 25 seconds East, 150.20 feet to an existing iron pipe; thence, North 82 degrees 50 minutes 19 seconds East, 60.22 feet to an existing iron pipe; thence, North 82 degrees 56 minutes 39 seconds, East, 75.10 feet to an existing iron pipe in the southern line of Howard L. Greene as described in Deed Book 2793, Page 445 in the Guilford County Register of Deeds; thence, South 03 degrees 49 minutes 16 seconds West, 909.34 feet to an existing iron pipe; thence, South 03 degrees 55 minutes 11 seconds West, 626.07 feet to an existing iron pipe; thence, South 04 degrees 04 minutes 10 seconds West, 635.52 feet, South 05 degrees 13 minutes 43 seconds West, 391.24 to the point and place of beginning.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 1999.

(Signed) Earl Jones

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There being no one present desiring to speak to this matter, Councilmember Carmany moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-RS-20 Residential Single Family to City Zoning Conditional Use-RS-20 Residential Single Family for property located on the north side of Horse Pen Creek Road on the east and west sides of Laurel Run Drive. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones (Mincello) Vaughan, Perkins and Vaughan.

99-173 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTH SIDE OF HORSE PEN CREEK ROAD ON THE EAST AND WEST SIDES OF LAUREL RUN DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RS-20 Residential Single Family to City Zoning Conditional Use – RS-20 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the northern right-of-way line of Horse Pen Creek Road (60 foot right-of-way), said point being also in the southwestern corner of Walter G. Barham property as described in Deed Book 1407, Page 247, Guilford County Register of Deeds, and being the point and place of beginning, running thence, with the northern right-of-way line of Horse Pen Creek Road (SR 2182) along a curve to the left having a radius of 612.94 feet and a chord bearing and distance of North 75 degrees 32 minutes 55 seconds West, 182.53 feet to an existing iron pipe; thence, North 84 degrees 06 minutes 41 seconds West, 551.27 feet to an existing iron pipe in the southeastern corner of Santie H. Cummings and Jack W. Cummings property as recorded in Plat Book 118, Page 83, in the Guilford County Register of Deeds; thence, leaving the right-of-way of Horse Pen Creek Road running along the eastern line of Santie H. Cummings and Jack W. Cummings property, North 05 degrees 59 minutes 27 seconds East, 368.35 feet to an existing iron pipe; thence, running along the eastern line of Green's Crossing Investment Corporation, North 19 degrees 45 minutes 00 seconds East, 904.38 feet to an existing iron pipe; thence, North 17 degrees 57 minutes 51 seconds East, 957.09 feet to an existing iron pipe in the northeastern corner of the Edward N. and Pamela Robinson property; thence, North 04 degrees 22 minutes 04 seconds West, 86.04 feet to an existing iron pipe; thence, North 03 degrees 56 minutes 05 seconds West, 209.15 feet to an existing iron pipe in the southwestern corner of Charity Baptist Church as described in Deed Book 2749, Page 893, in the Guilford County Register of Deeds; thence, North 82 degrees 54 minutes 25 seconds East, 150.20 feet to an existing iron pipe; thence, North 82 degrees 50 minutes 19 seconds East, 60.22 feet to an existing iron pipe; thence, North 82 degrees 56 minutes 39 seconds, East, 75.10 feet to an existing iron pipe in the southern line of Howard L. Greene as described in Deed Book 2793, Page 445 in the Guilford County Register of Deeds; thence, South 03 degrees 49 minutes 16 seconds West, 909.34 feet to an existing iron pipe; thence, South 03 degrees 55 minutes 11 seconds West, 626.07 feet to an existing iron pipe; thence, South 04 degrees 04 minutes 10 seconds West, 635.52 feet, South 05 degrees 13 minutes 43 seconds West, 391.24 to the point and place of beginning.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All uses permitted in RS-20 zoning district.
- 2) A maximum of 51 lots for single family detached dwellings.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing 21.13 acres of territory to the corporate limits of property located at the northwest corner of Martin Avenue and Pineneedle Drive. She also introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-RS-7 Residential Single Family to City Zoning Conditional Use-RS-7 Residential Single Family for property located at the northwest intersection of Martin Avenue and Pineneedle Drive. The Mayor asked if anyone wished to be heard.

Mr. Ruska spoke briefly to the annexation and provided the following staff presentation:

REQUEST

This request is to establish original zoning of property from County Zoning Conditional Use – RS-7 Residential Single Family to City Zoning Conditional Use – RS-7 Residential Single Family.

The RS-7 District is primarily intended to accommodate single family detached dwellings at a density of 5.0 units per acre or less.

The existing Conditional Use – RS-7 District contains the conditions which are listed on the agenda and in the copy of the staff report.

- 1) Uses: All uses permitted in the RS-7 zoning district.
- 2) Maximum of 79 lots.
- 3) Lots along the extension of Summitview Drive to new intersection shall meet the standards of the RS-12 zoning district.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All uses permitted in the RS-7 zoning district.
- 2) Maximum of 79 lots.
- 3) Lots along the extension of Summitview Drive to new intersection shall meet the standards of the RS-12 zoning district.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 21.13 acres and is located at the northwest intersection of Martin Avenue and Pineneedle Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-RS-7	Single family dwelling + vacant land
North	RS-12	Scattered single family dwellings
East	RS-30	Scattered single family dwellings
South	RS-5/RS-12	Scattered single family dwellings
West	RS-12	Scattered single family dwellings

Mr. Ruska stated that the Planning Department and Zoning Commission had recommended approval of the request; he thereupon provided slides of the property and surrounding area.

Mr. Ruska provided the following staff recommendation:

The Planning Department recommends that this original zoning request be approved. This carries forth the same CU-RS-7 zoning that currently exists under the County ordinance. It establishes the same maximum number of 79 lots and also requires that the lots along the extension of Summitview Drive meet RS-12 standards. Staff feels this is a reasonable zoning proposal given the fact that there is RS-5 zoning to the south and a mixture of lot sizes throughout this extended area.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the ordinance annexing 21.13 acres of territory to the corporate limits of property located at the northwest corner of Martin Avenue and Pineneedle Drive. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-174 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT THE NORTHWEST CORNER OF MARTIN AVENUE AND PINENEEDLE DRIVE – 21.13 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing stone marking the northeast corner of Lot 64, Block C, Subdivision No. 2 of the Summit Avenue Heights Subdivision as recorded in Plat Book 6, Page 74 in the Guilford County Registry, said point also being on the City limit line: Thence along the northern line of said Block C and following the City limit line N 86° 07' 24" W, 874.87 feet to an existing iron pipe marking the northwest corner of Lot 30 of said Summit Avenue Heights Subdivision; thence N 03° 37' 42" E, 523.04 feet to an existing iron pipe marking the northeast corner of Lot 52, Block B of said Summit Avenue Heights Subdivision, also being in the southern line of Lot 16, Phase 2 of the Summit Court Subdivision, as recorded in Plat Book 115, Page 119; thence along the southern property line of said Summit Court Subdivision S 89° 53' 36" E, 464.99 feet to an existing iron pipe marking the southeast corner of Lot 20 of the Summit Court Subdivision, also being the southwest corner of Lot 12A of the J.H. & W.A. Smith Estate as recorded in Plat Book 72, Page 151; thence along the southern line of said Smith Estate, S 89° 51' 43" E, 739.85 feet to an existing iron pipe in the western margin of Pineneedle Drive, also being the southeast corner of Lot 12 of the Smith Estate Subdivision; thence departing from the City limit line and running with the western margin of Pineneedle Drive, curving to the left with a radius of 806.82 feet and a chord bearing and distance of S 05° 10' 43" E, 144.58 feet to a new iron pipe; thence continuing along the western margin of Pineneedle Drive S 10° 28' 54" E, 113.91 feet to a new iron pipe, being the northeast corner of Garland F. Bullins property; thence departing from the western margin of Pineneedle Drive and running along the northern line of said Bullins property, N 79° 23' 29" E, 210.00 feet to a new iron pipe; thence S 10° 46' 19" E, 351.77 feet to a new iron pipe in the southern property line of the Dorothy C. Scarlett Property; thence along said Scarlett southern property line, N 84° 21' 26" E, 208.96 feet to an existing iron pipe in the western margin of Pineneedle Drive; thence along the western margin of Pineneedle Drive S 09° 43' 33" E, 134.37 feet to a new iron pipe; thence along the western margin of Pineneedle Drive, curving to the right with a radius of 982.03 feet and a chord bearing and distance of S 08° 18' 55" E, 68.75 feet to a point in the northern margin of Martin Avenue; thence crossing Martin Avenue in a southerly direction for a distance of approximately 100 feet, to a point in the southern margin of Martin Avenue; thence running with the southern margin of Martin Avenue, S 47° 15' 26" W, for a distance of approximately 686 feet to a point on the southeast corner of Martin Avenue and Clay Street, said point also being on the City limit line; thence crossing Martin Avenue and following the City limit line in a northwestwardly direction for a distance of approximately 80 feet, to a new iron pipe at the northern corner of Martin Avenue and Clay Street; thence continuing with the City limit line N 02° 45' 07" E, 730.41 feet to the point of BEGINNING, containing approximately 20.22 acres of property and 0.91 acre of street right-of-way for a total of approximately 21.13 acres, according to a map of the proposed Wheatfield Subdivision prepared by Joseph G. Stutts, dated June 14, 1999, revised August 6, 1999.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property

annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after December 31, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 6/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after December 31, 1999.

(Signed) Donald R. Vaughan

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There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-RS-7 Residential Single Family to City Zoning Conditional Use-RS-7 Residential Single Family for property located at the northwest intersection of Martin Avenue and Pineneedle Drive. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-175 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTHWEST INTERSECTION OF MARTIN AVENUE AND PINENEEDLE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RS-7 Residential Single Family to City Zoning Conditional Use – RS-7 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at an existing stone marking the northeast corner of Lot 64, Block C, Subdivision No. 2 of the Summit Avenue Heights Subdivision as recorded in Plat Book 6, Page 74 in the Guilford County Registry, said point also being on the City limit line: Thence along the northern line of said Block C and following the City limit line N 86° 07' 24" W, 874.87 feet to an existing iron pipe marking the northwest corner of Lot 30 of said Summit Avenue Heights Subdivision; thence N 03° 37' 42" E, 523.04 feet to an existing iron pipe marking the northeast corner of Lot 52, Block B of said Summit Avenue Heights Subdivision, also being in the southern line of Lot 16, Phase 2 of the Summit Court Subdivision, as recorded in Plat Book 115, Page 119; thence along the southern property line of said Summit Court Subdivision S 89° 53' 36" E, 464.99 feet to an existing iron pipe marking the southeast corner of Lot 20 of the Summit Court Subdivision, also being the southwest corner of Lot 12A of the J.H. & W.A. Smith Estate as recorded in Plat Book 72, Page 151; thence along the southern line of said Smith Estate, S 89° 51' 43" E, 739.85 feet to an existing iron pipe in the western margin of Pineneedle Drive, also being the southeast corner of Lot 12 of the Smith Estate Subdivision; thence departing from the City limit line and running with the western margin of Pineneedle Drive, curving to the left with a radius of 806.82 feet and a chord bearing and distance of S 05° 10' 43" E, 144.58 feet to a new iron pipe; thence continuing along the western margin of Pineneedle Drive S 10° 28' 54" E, 113.91 feet to a new iron pipe, being the northeast corner of Garland F. Bullins

property; thence departing from the western margin of Pineneedle Drive and running along the northern line of said Bullins property, N 79° 23' 29" E, 210.00 feet to a new iron pipe; thence S 10° 46' 19" E, 351.77 feet to a new iron pipe in the southern property line of the Dorothy C. Scarlette Property; thence along said Scarlette southern property line, N 84° 21' 26" E, 208.96 feet to an existing iron pipe in the western margin of Pineneedle Drive; thence along the western margin of Pineneedle Drive S 09° 43' 33" E, 134.37 feet to a new iron pipe; thence along the western margin of Pineneedle Drive, curving to the right with a radius of 982.03 feet and a chord bearing and distance of S 08° 18' 55" E, 68.75 feet to a point in the northern margin of Martin Avenue; thence crossing Martin Avenue in a southerly direction for a distance of approximately 100 feet, to a point in the southern margin of Martin Avenue; thence running with the southern margin of Martin Avenue, S 47° 15' 26" W, for a distance of approximately 686 feet to a point on the southeast corner of Martin Avenue and Clay Street, said point also being on the City limit line; thence crossing Martin Avenue and following the City limit line in a northwestwardly direction for a distance of approximately 80 feet, to a new iron pipe at the northern corner of Martin Avenue and Clay Street; thence continuing with the City limit line N 02° 45' 07" E, 730.41 feet to the point of BEGINNING, containing approximately 20.22 acres of property and 0.91 acre of street right-of-way for a total of approximately 21.13 acres, according to a map of the proposed Wheatfield Subdivision prepared by Joseph G. Stutts, dated June 14, 1999, revised August 6, 1999.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the RS-7 zoning district.
- 2) Maximum of 79 lots.
- 3) Lots along the extension of Summitview Drive to new intersection shall meet the standards of the RS-12 zoning district.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional Use-Shopping Center and Conditional Use-Corporate Park to Conditional Use-Highway Business for property located at the southeast intersection of Bradford Parkway and Bradford Place; she thereupon introduced so that these matters could be discussed together an ordinance rezoning from Conditional Use-Corporate Park to Conditional Use-Light Industrial for specific uses for property located at the southeast intersection of Landmark Center Boulevard and Bradford Place; she advised these zoning matters were being heard after receiving 4-0 votes by the Zoning Commission to recommend approval of the rezoning. The Mayor administered the oath to those individuals who wished to speak to these matters.

Mr. Ruska provided the following staff presentations:

REQUEST – ITEM 16

This request is to rezone property from Conditional Use – Shopping Center and Conditional Use – Corporate Park to Conditional Use – Highway Business.

The Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region.

The Corporate Park District is primarily intended to accommodate office, warehouse, research and development, and assembly uses on large sites in a planned, campus-like setting.

The Highway Business Districts is primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares.

The existing Conditional Use – Shopping Center District contains the conditions which are listed in the copy of the staff report:

Uses: All uses permitted in the SC zoning district.

A. Road Dedication and Improvements:

- 1) Every effort will be made to construct the following improvements within existing rights-of-way. If necessary the City will acquire necessary rights-of-way for improvements along the north side of Wendover Avenue between I-40 and Landmark Center Drive. Landmark Center Associates will participate in purchasing rights-of-way on the south side of Wendover Avenue between Bridford Parkway and the I-40 eastbound on-ramp up to \$25,000.
- 2) Developer shall construct a third westbound through/right-turn lane between Stanley Road and the I-40 eastbound exit ramp on the north side of West Wendover Avenue. This improvement will replace the existing right-turn-only lane and taper. (Construction to include curb and gutter and pavement and adjust curb inlets, only.)
- 3) Developer shall construct a continuous third westbound through/right-turn lane between Landmark Center Drive and Stanley Road on the north side of West Wendover Avenue. This improvement will replace the existing through/right –turn lane and taper. (Construction to include curb and gutter and pavement and adjust curb inlets only.)
- 4) Developer shall construct an exclusive west approach continuous right-turn lane on the eastbound West Wendover Avenue between Landmark Center Drive and Stanley Road.
- 5) Developer shall extend the existing right-turn lane on eastbound West Wendover Avenue at the Landmark Center Drive intersection so that it begins on the west side of the Home Depot driveway as a full-width right-turn lane.
- 6) Developer shall construct an additional right-turn lane on the south approach of northbound Landmark Center Drive at its intersection with West Wendover Avenue.
- 7) Developer shall reconstruct the West Wendover Avenue median between Landmark Center Drive and Stanley Road to create a longer westbound left-turn lane (approximately 500 feet) and a shorter eastbound left-turn lane (approximately 100 feet).
- 8) Developer shall widen the south approach of northbound Bridford Parkway at its intersection with West Wendover Avenue to create dual left-turn lanes, a single through lane and a single right-turn lane.
- 9) Developer shall construct an additional west approach right-turn lane on eastbound West Wendover Avenue at the I-40 eastbound entrance ramps.
- 10) Developer shall construct Eagle Road within a 60-foot right-of-way between Bridford Parkway and the Landmark Center east property line as development occurs on adjacent parcels.
- 11) Developer shall extend Landmark Center Boulevard to Stanley Road within a 70-foot right-of-way to align opposite Koger Boulevard.
- 12) Developer shall extend Landmark Center Boulevard to the proposed Eagle Road Extension within a 60-foot right-of-way as development occurs on adjacent parcels.
- 13) Developer shall construct additional roadway improvements adjacent to individual parcels at Landmark Center as may be needed once site plans have been approved.
- 14) All of the above improvements and designs shall conform to GDOT and NCDOT design standards. The City of Greensboro will be responsible for necessary utility relocations to construct the foregoing improvements.
- 15) There shall be no curb cut or cuts on Stanley Road.

A. Other:

- 1) There shall be no Sexually Oriented Businesses and no Bars 9 (as those terms are defined in City of Greensboro Ordinance 30-2-2.7) located in these parcels.
- 2) A landscaped buffer will be established along the rear property line of the parcels to the south of Landmark Center Boulevard and the parcel fronting on Bridford Parkway. Said buffer shall contain a 6 foot high dirt berm and the rate of shrub planting and minimum caliper of canopy trees shall be doubled from that which is required by the Greensboro City Ordinance.
- 3) Along the frontage of Landmark Center Boulevard, Bridford Parkway and Bridford Place, the width of the street yard shall be as specified by the Greensboro City Ordinance and the rate of shrub planting and minimum caliper of canopy trees shall be doubled that which is required by the Greensboro City Ordinance.
- 4) To the extent possible, light fixtures along the perimeter of all parcels shall be designed so that lighting shall be limited to that parcel.
- 5) There shall be at least one trash compactor which shall be screened by appropriate landscaping.
- 6) Developer shall donate to the City of Greensboro approximately 5.5 acres \pm of land at the northeastern corner of the intersection of Landmark Center Drive extension and the proposed Eagle Road, for use by the City of Greensboro as outdoor athletic facilities which shall meet City of Greensboro Park standards. An exact metes and bounds description to be provided to the City of Greensboro as soon as the layout of Eagle Road is prepared.

The existing Conditional Use – Corporate Park District contains the conditions which are listed in the copy of the staff report:

- 1) A connector road from Hilltop Road to Wendover Avenue shall be constructed as affected properties are developed at a location to be approved by N.C. Dept. of Transportation in accordance with standard City of Greensboro policies.
- 2) Maximum height of any buildings constructed to the south and/or east sides of two westernmost existing lakes on Parcel 1 shall be limited to 3 stories. Said lakes shall be retained or replaced with lakes of a similar size and number.
- 3) Minimum 50 foot yards from property lines of adjoining residentially zoned lots fronting Stanley Road on east and south sides of Parcel 1 as long as said lots remain zoned for residential use.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All uses allowed in the SC zoning district and the following four uses: a) Motor Vehicle Sales (new and used), b) Automobile Rental and Leasing, c) Automobile Repair Services Major, and d) Automobile Repair Services Minor.
- 2) Developer shall construct or have constructed Eagle Road within a 60-foot right-of-way between Bridford Parkway and the Landmark Center east property line as development occurs on adjacent parcels.
- 3) Developer shall extend or have extended Landmark Center Boulevard to the proposed Eagle Road Extension within a 60-foot right-of-way as development occurs on adjacent parcels.
- 4) Developer shall construct or have constructed additional roadway improvements adjacent to individual parcels at Landmark Center as may be needed once site plans have been approved.
- 5) All of the above improvements and designs shall conform to GDOT and NCDOT design standards. The City of Greensboro will be responsible for necessary utility relocations to construct the foregoing improvements.
- 6) There shall be no Sexually Oriented Businesses and no Bars (as those terms are defined in City of Greensboro Ordinance 30-2-2.7) located in this parcel.
- 7) To the extent possible, light fixtures along the perimeter of all parcels shall be designed so that lighting shall be limited to that parcel.
- 8) All trash compactors shall be screened by appropriate landscaping.
- 9) The total square footage of the street planting yard along Bridford Parkway shall be 1 ½ times that which is required by the ordinance, and the planting rate in such planting yard shall be 1 ½ times that which is required by the ordinance.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 16 acres and is located at the southeast intersection of Bridford Parkway and Bridford Place.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-SC	Vacant, graded land
North	CU-SC	Shopping Center (Waccamaw)
East	CU-LI (proposed) CU-CP	Vacant land Vacant
South	CU-CP	Vacant land + Proposed Urban Loop
West	CU-RM-12	The Grove at Landmark apartments

Mr. Ruska advised the Planning Department had recommended approval of the request, and the Zoning Commission had voted 4-0 with 2 abstentions to recommend approval; he thereupon provided slides of the property and surrounding area.

REQUEST – ITEM 17

This request is to rezone property from Conditional Use – Corporate Park to Conditional Use – Light Industrial.

The Corporate Park District is primarily intended to accommodate office, warehouse, research and development, and assembly uses on large sites in a planned, campus-like setting.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

The existing Conditional Use – Corporate Park District contains the conditions which are listed on the agenda and in the copy of the staff report:

- 1) A connector road from Hilltop Road to Wendover Avenue shall be constructed as affected properties are developed at a location to be approved by N.C. Dept. of Transportation in accordance with standard City of Greensboro policies.
- 2) Maximum height of any buildings constructed to the south and/or east sides of two westernmost existing lakes on Parcel 1 shall be limited to 3 stories. Said lakes shall be retained or replaced with lakes of a similar size and number.
- 3) Minimum 50 foot yards from property lines of adjoining residentially zoned lots fronting Stanley Road on east and south sides of Parcel 1 as long as said lots remain zoned for residential use.
- 4) No outside storage of any materials (excepting automobiles).

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: Only the following uses in the LI zoning district shall be allowed:
 - a) All Business, Professional & Personal Services as set forth in the Table of Permitted Uses.
 - b) The following Accessory Uses as set forth in the Table of Permitted Uses shall be allowed: Accessory Uses and Structures (customary) and Recycling Collection Points.
 - c) All Retail Trade uses as set forth in the Table of Permitted Uses except Flea Markets.
 - d) With respect to Wholesale Trade Uses as set forth in the Table of Permitted Uses, only the following shall be allowed: Machinery, Equipment and Supplies; Metals; Motor Vehicles; Motor Vehicles, Parts and Supplies; and Motor Vehicles, Tires and Tubes.
 - e) All Transportation, Warehousing & Utilities uses as set forth in the Table of Permitted Uses.

- f) Together with the following Other Uses: Automotive Parking (subj. to Sec. 30-5-3.5); Christmas Tree Sales; Temporary Construction Offices, Construction Equipment Storage, Real Estate Sales or Rental Offices (with concurrent building permit for permanent building); Temporary Events, including but not limited to: Arts and Craft Shows, Carnivals and Fairs, Concerts, Stage Shows, Conventions, Trade Shows, and Outdoor Religious Events.
- g) Permitted with Special Use Permit for Transportation, Warehousing & Utilities: Heliports.
- h) Manufacturing and Industrial Uses: Industrial and Commercial Machinery.
- 2) All exterior lighting for the property shall be directed toward the interior of the property.
- 3) There shall be no Bar or Sexually Oriented Business (as that term is defined in City of Greensboro Ordinance 30-2-2.7) located on the property.
- 4) The rate of canopy tree planting, understory tree planting, and shrub planting on that part of the subject property abutting Landmark Center Drive shall be double that which is required (4/100 LF, 6/100 LF, 34/100 LF, respectively) by the City of Greensboro Development Ordinance.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 8 acres and is located at the southeast intersection of Landmark Center Boulevard and Bridford Place.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-CP	Vacant land
North	CU-LI	Proposed mini-storage warehouses
East	RS-40	Vacant land
South	CU-CP	Vacant land
West	CU-SC	Vacant (proposed CU-HB)

Mr. Ruska stated that the Planning Department recommended approval of the request, and the Zoning Commission had voted 5 to 9 with 1 abstention to recommend approval; he thereupon presented slides of the property and surrounding area.

Mayor Allen asked if anyone wished to speak to this matter.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue, representing Traders Chevrolet and others, spoke to the history and operation of this business, detailed the plans for relocation and expansion, stated the proposed use was less intense than a shopping center, and that the Transportation Department had advised that a traffic impact study was not necessary.

Mr. Ruska thereupon provided the following staff recommendations:

Item #16:

The Planning Department recommends that this request be approved. The property as currently zoned could develop with an intensive traffic generating commercial use or combination of uses. While it could still develop that way under the proposed CU-HB District, there is the very real potential that this property will contain an automobile dealership which is a much lower intensity land use in terms of traffic generation. The proposed conditions carry forth the same relevant conditions that currently exist under the CU-SC classification. While staff has some reservations about the aesthetic nature of an automobile dealership at this location, the applicant has demonstrated some sensitivity to this issue with a condition involving additional street planting yard area over what the ordinance would require. Furthermore, the more potentially unsightly aspects of the auto dealership will be developed on the parcel to the east which has been requested for CU-LI zoning. On balance, given the tradeoffs between traffic

generation and appearance concerns, staff feels that this is a reasonable request that offers a transitional land use between the intensive commercial area to the north and the Urban Loop corridor to the south.

Item #17:

The Planning Department recommends that this request be approved. The property immediately to the north was rezoned to CU-LI recently for a mini-storage warehouse facility. Since there is the very real potential that this property will develop in conjunction with the requested CU-HB parcel to the west, staff feels that the intended development would be compatible with adjacent zoning and land use. As staff previously mentioned, the more potentially unsightly aspects of the CU-HB land use proposal will be kept well away and screened from the Bridford Parkway corridor and the multifamily development on the west side of that road.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the ordinance rezoning from Conditional Use-Shopping Center and Conditional use-corporate park to Conditional use-Highway Business for property located at the southeast intersection of Bridford parkway and Bridford Place be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed uses of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because this property is presently zoned for a wide range of intensive commercial uses.
- 4) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the proposed development is a much less intensive land use in terms of traffic generation and this proposal is a good transitional development between the more intensive commercial area to the north and the Urban Loop to the south.

Councilmember Holliday stated that he could not support a portion of the findings of fact and would not support the ordinance.

The motion was seconded was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: Holliday.

99-176 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTHEAST INTERSECTION OF BRIDFORD PARKWAY AND BRIDFORD PLACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional Use – Shopping Center and Conditional Use – Corporate Park to Conditional Use – Highway Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the intersection of the eastern right-of-way line of Bridford Parkway and the northern the southern right-of-way line of Eagle Road (extended); thence along said southern right-of-way line N88°16'30"W 622.30 feet to a point; thence crossing Bridford Parkway N88°16'30"W approximately 120 feet to a point in the western right-of-way line of said Bridford Parkway; thence along said western right-of-way line in a northerly direction approximately 1000 feet to a point; thence crossing Bridford Parkway S88°16'30"E 80 feet to a point in the eastern right-of-way line; thence along said eastern right-of-way line in a northerly direction approximately

300 feet to the point of BEGINNING, containing 16.89 acres exclusive of street right-of-way and shown on "Boundary Survey of Lot 30 Landmark Station Phase 6" prepared by F. Donald Lawrence & Associates, P.A., Job No. 0021 dated 2/2/1999.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses allowed in the SC zoning district and the following four uses: a) Motor Vehicle Sales (new and used), b) Automobile Rental and Leasing, c) Automobile Repair Services Major, and d) Automobile Repair Services Minor.
- 2) Developer shall construct or have constructed Eagle Road within a 60-foot right-of-way between Bridford Parkway and the Landmark Center east property line as development occurs on adjacent parcels.
- 3) Developer shall extend or have extended Landmark Center Boulevard to the proposed Eagle Road Extension within a 60-foot right-of-way as development occurs on adjacent parcels.
- 4) Developer shall construct or have constructed additional roadway improvements adjacent to individual parcels at Landmark Center as may be needed once site plans have been approved.
- 5) All of the above improvements and designs shall conform to GDOT and NCDOT design standards. The City of Greensboro will be responsible for necessary utility relocations to construct the foregoing improvements.
- 6) There shall be no Sexually Oriented Businesses and no Bars (as those terms are defined in City of Greensboro Ordinance 30-2-2.7) located in this parcel.
- 7) To the extent possible, light fixtures along the perimeter of all parcels shall be designed so that lighting shall be limited to that parcel.
- 8) All trash compactors shall be screened by appropriate landscaping.
- 9) The total square footage of the street planting yard along Bridford Parkway shall be 1 ½ times that which is required by the ordinance, and the planting rate in such planting yard shall be 1 ½ times that which is required by the ordinance.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Earl Jones

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There being no one present desiring to speak to this matter, Councilmember Carmany moved adoption of the ordinance rezoning from Conditional Use-corporate park to Conditional Use-Light Industrial for specific uses for property located at the southeast intersection of Landmark enter Boulevard and Bridford Place be approved on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed development of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because most of the surrounding property is zoned for commercial or industrial uses.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development

of the City and its environs because the proposed use of this property is well set back and will be screened from Bridford Parkway.

Councilmember Holliday stated that he could not support a portion of the findings of fact and would not support the ordinance.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: Holliday.

99-177 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTHEAST INTERSECTION OF LANDMARK CENTER BOULEVARD AND BRIDFORD PLACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional Use – Corporate Park to Conditional Use – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Landmark Center Boulevard, said point being the southwest corner of Lot 4A of Wendover South Associates; thence N88°56'37"E 375.00 feet to a point; thence S01°03'23"E 190.00 feet to a point; thence S89°41'44"E 456.81 feet to a point; thence S18°29'27"E 332.70 feet to a point; thence N89°17'57"W 709.12 feet to a point; thence along a curve to the left a chord course and distance N74°04'27"W 97.10 feet (radius = 220.86 feet) to a point; thence N89°50'15"W 171.29 feet to a point in the eastern right-of-way line of Landmark Center Boulevard; thence along said eastern right-of-way line N04°26'44"E 407.23 feet to a point; thence along a curve to the left a chord course and distance N01°30'01"E 56.52 feet (radius = 550.00 feet) to the point and place of BEGINNING, containing 8.00 acres and shown on "Proposed Division of Lot 29 Landmark Center South" prepared by F. Donald Lawrence & Associates, P.A., Job No. 0021 dated 8/17/1999.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Only the following uses in the LI zoning district shall be allowed:
 - a) All Business, Professional & Personal Services as set forth in the Table of Permitted Uses.
 - b) The following Accessory Uses as set forth in the Table of Permitted Uses shall be allowed: Accessory Uses and Structures (customary) and Recycling Collection Points.
 - c) All Retail Trade uses as set forth in the Table of Permitted Uses except Flea Markets.
 - d) With respect to Wholesale Trade Uses as set forth in the Table of Permitted Uses, only the following shall be allowed: Machinery, Equipment and Supplies; Metals; Motor Vehicles; Motor Vehicles, Parts and Supplies; and Motor Vehicles, Tires and Tubes.
 - e) All Transportation, Warehousing & Utilities uses as set forth in the Table of Permitted Uses.
 - f) Together with the following Other Uses: Automotive Parking (subj. to Sec. 30-5-3.5); Christmas Tree Sales; Temporary Construction Offices, Construction Equipment Storage, Real Estate Sales or Rental Offices (with concurrent building permit for permanent building); Temporary Events, including but not limited to: Arts and Craft Shows, Carnivals and Fairs, Concerts, Stage Shows, Conventions, Trade Shows, and Outdoor Religious Events.
 - g) Permitted with Special Use Permit for Transportation, Warehousing & Utilities: Heliports.
 - h) Manufacturing and Industrial Uses: Industrial and Commercial Machinery.
- 2) All exterior lighting for the property shall be directed toward the interior of the property.

- 3) There shall be no Bar or Sexually Oriented Business (as that term is defined in City of Greensboro Ordinance 30-2-2.7) located on the property.
The rate of canopy tree planting, understory tree planting, and shrub planting on that part of the subject property abutting Landmark Center Drive shall be double that which is required (4/100 LF, 6/100 LF, 34/100 LF, respectively) by the City of Greensboro Development Ordinance.
- 5) No outside storage of any materials (excepting automobiles).

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Sandy Carmany

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Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of public necessity water main improvements on Willard Street from Textile Drive to approximately 720' south of Textile Drive. The Mayor asked if anyone wished to be heard. There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

W-227 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

A 6" WATER MAIN IN WILLARD STREET FROM TEXTILE DRIVE TO APPROXIMATELY 720' SOUTH OF TEXTILE DRIVE

WHEREAS, due notice has been given that on the 6th day of October, 1999, at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are

WILLARD STREET FROM TEXTILE DRIVE TO APPROXIMATELY 720' SOUTH OF TEXTILE DRIVE

B. That the local improvements to be made on the street or streets set out above are as follows:

Water Main Improvements. That a water main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including sewer laterals where none exist and sewer main has been installed) be laid for the proper connection of abutting property.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Melrose Court from Martin Luther King, Jr. Drive westward to its end. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

164-99 RESOLUTION CLOSING MELROSE COURT – FROM MARTIN LUTHER KING, JR. DRIVE WESTWARD TO ITS END

WHEREAS, the owners of all of the property abutting both sides of Melrose Court – from Martin Luther King, Jr. Drive westward to its end requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Wednesday, October 6, 1999, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

MELROSE COURT – FROM MARTIN LUTHER KING, JR. DRIVE WESTWARD TO ITS END

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Earl Jones

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution closing Melrose Court (the alley) running from the western end of Melrose Court (the street) westward to its end. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

165-99 RESOLUTION CLOSING MELROSE COURT (ALLEY) – FROM THE WESTERN END OF THE STREET MELROSE COURT WESTWARD TO ITS END

WHEREAS, the all of owners of the property abutting both sides of Melrose Court (alley) – from the western end of the street Melrose Court westward to its end requested in writing that said alley be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in Melvin Municipal Office Building on Wednesday, October 6, 1999, at 6:00p.m. on the closing of said alley;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned alley have requested in writing that said alley be closed to the general public and the City's interest therein released;

2. That the City Council hereby finds as a fact that the closing of the alley to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alley or in the subdivision in which the alley is located will be deprived of reasonable means of ingress or egress to his or its property;

3. That the following alley is hereby permanently closed to the general public and the City's interest therein released:

MELROSE COURT (ALLEY) – FROM THE WESTERN END OF THE STREET MELROSE COURT WESTWARD TO ITS END

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned alley until such time as said line is no longer required by the City.

(Signed) Earl Jones

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing an unnamed alley running from Melrose Court northward to Martin Luther King, Jr. Drive. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

176-99 RESOLUTION CLOSING AN UNNAMED 14-FOOT ALLEY – FROM MELROSE COURT NORTHWARD TO MARTIN LUTHER KING, JR. DRIVE

WHEREAS, the owners of all of the property abutting both sides of an unnamed 14-foot alley – from Melrose Court northward to Martin Luther King, Jr. Drive have requested in writing that said alley be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in Melvin Municipal Office Building on October 6, 1999, at 6:00 p.m. on the closing of said alley;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned alley have requested in writing that said alley be closed to the general public and the City's interest therein released;

2. That the City Council hereby finds as a fact that the closing of the alley to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alley or in the subdivision in which the alley is located will be deprived of reasonable means of ingress or egress to his or its property;

3. That the following alley is hereby permanently closed to the general public and the City's interest therein released:

AN UNNAMED 14-FOOT ALLEY – FROM MELROSE COURT NORTHWARD TO MARTIN LUTHER KING, JR. DRIVE

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned alley until such time as said line is no longer required by the City.

(Signed) Claudette Burroughs-White

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution closing an unnamed 14-foot alley located east of and parallel to Stirling Street running from Walker Avenue southward to former Theta Street. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

177-99 RESOLUTION CLOSING AN UNNAMED ALLEY – LOCATED EAST OF AND PARALLEL TO STIRLING STREET, RUNNING FROM WALKER AVENUE SOUTHWARD TO FORMER THETA STREET

WHEREAS, the owner of all of the property abutting both sides of an unnamed alley – located east of and parallel to Stirling Street, running from Walker Avenue southward to former Theta Street requested in writing that said alley be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Wednesday, October 6, 1999, at 6:00 p.m. on the closing of said alley;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned alley has requested in writing that said street be closed to the general public and the City's interest therein released.

2. That the City Council hereby finds as a fact that the closing of the alley to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alley or in the subdivision in which the alley is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following alley is hereby permanently closed to the general public and the City's interest therein released:

AN UNNAMED ALLEY – LOCATED EAST OF AND PARALLEL TO STIRLING STREET, RUNNING FROM WALKER AVENUE SOUTHWARD TO FORMER THETA STREET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned alley until such time as said line is no longer required by the City.

(Signed) Donald R. Vaughan

.....

The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing an unnamed alley located south of and parallel to West Washington Street running from South Greene Street eastward for a distance of 136'. Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

178-99 RESOLUTION CLOSING AN UNNAMED ALLEY – LOCATED SOUTH OF AND PARALLEL TO WEST WASHINGTON STREET, RUNNING FROM SOUTH GREENE STREET EASTWARD FOR A DISTANCE OF 136 FEET

WHEREAS, the owners of all of the property abutting both sides of an unnamed alley – located south of and parallel to West Washington Street, running from South Greene Street eastward for a distance of 136 feet have requested in writing that said alley be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in Melvin Municipal Office Building on October 6, 1999, at 6:00 p.m. on the closing of said alley;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned alley have requested in writing that said alley be closed to the general public and the City's interest therein released;

2. That the City Council hereby finds as a fact that the closing of the alley to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the alley or in the subdivision in which the alley is located will be deprived of reasonable means of ingress or egress to his or its property;

3. That the following alley is hereby permanently closed to the general public and the City's interest therein released:

AN UNNAMED ALLEY – LOCATED SOUTH OF AND PARALLEL TO WEST WASHINGTON STREET, RUNNING FROM SOUTH GREENE STREET EASTWARD FOR A DISTANCE OF 136 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned alley until such time as said line is no longer required by the City.

(Signed) Earl Jones

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution closing Bernau Street-a triangle of surplus right-of-way at the southeast corner of Bernau Street and Sellers Avenue lying more than 25' southwest of the pavement centerline. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

179-99 RESOLUTION CLOSING BERNAU STREET – A TRIANGLE OF SURPLUS RIGHT OF WAY AT THE SOUTHEAST CORNER OF BERNAU STREET AND SELLERS AVENUE, LYING MORE THAN 25 FEET SOUTHWEST OF THE PAVEMENT CENTERLINE

WHEREAS, the owners of all of the property abutting both sides of Bernau Street – a triangle of surplus right of way at the southeast corner of Bernau Street and Sellers Avenue, lying more than 25 feet southwest of the pavement centerline requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Wednesday, October 6, 1999, at 6:00 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

BERNAU STREET – A TRIANGLE OF SURPLUS RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF BERNAU STREET AND SELLERS AVENUE, LYING MORE THAN 25 FEET SOUTHWEST OF THE PAVEMENT CENTERLINE

2. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Yvonne J. Johnson

.....

Mayor Allen introduced a resolution approving bid in the amount of \$108,601.53 and authorizing execution of Contract No. 1999-20 to Yates Construction Company, Inc., for the Patton Avenue at South Elm-Eugene Street Intersection Improvements Project.

After brief discussion, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

180-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-20 WITH YATES CONSTRUCTION COMPANY, INC. FOR PATTON AVENUE @ SOUTH ELM-EUGENE STREET INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for curb and gutter widening improvements for the Patton Avenue @ South Elm Eugene Street intersection improvements project;

WHEREAS, Yates Construction Company Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$108,601.53 as general contractor for Contract No. 1999-20, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Yates Construction Company, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 402-4531-01.6014 CBR 008.

(Signed) Claudette Burroughs-White

(A tabulation of bids for the Patton Avenue at south Elm Eugene Street Intersection Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Mayor Allen introduced a resolution authorizing the City Attorney to institute proceedings to condemn portion of the property of Rodger W. Durham in connection with the New Garden Road Widening Project.

Councilmember (Mincello) Vaughan stated that she intended to vote against the condemnation items for this project because she had understood from the settlement agreement with Jefferson Pilot that property of that company, not property of area residents) would be used for this project.

After brief discussion regarding the need for clarification, Councilmember Johnson moved that Council table the two items until the October 19, 1999 Council meeting. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of Council.

The City Manager requested that if Council had concerns regarding items on future agendas that they share those concerns with him prior to the Council meeting.

.....

After Mayor Allen introduced an ordinance establishing in the amount of \$1,562,500 Grant Project Budget for the Fiscal year 1999 FTA Section 5309 Capital Assistance Grant, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

181-99 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE FISCAL
YEAR 1999 FTA SECTION 5309 CAPITAL ASSISTANCE GRANT

Section 1. That the Grant Project Budget for the FY 1999 FTA Section 5309 Capital Assistance Grant be established for the life of the project as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
565-4543-01.6051	Licensed Vehicles	\$1,562,500
TOTAL		\$1,562,500

And, that the capital improvements be financed by the following revenue accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
565-4543-01.7100	Federal Grant	\$1,250,000
565-4543-01.7110	State Grant	156,250
565-4543-01.9564	Transfer From Transit Fund	<u>156,250</u>
TOTAL		\$1,562,500

(Signed) Yvonne J. Johnson

.....

Mayor Allen introduced a resolution approving and authorizing purchase in the amount of \$100,000 of property of Alma Summers Foster for the landfill buffer.

After brief discussion with respect to the life of the existing landfill and the future landfill needs of Greensboro and Guilford County, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

182-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY
OF ALMA SUMMERS FOSTER FOR LANDFILL BUFFER

WHEREAS, in connection with the Landfill Buffer project, the property owned by Alma Summers Foster along Huffine Mill Road at Tax Map No. G-187-E-464-S-12 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the owner has agreed to sell the property to the City for \$100,000.00 which amount is more than the appraised value of \$90,000.00, but is thought to be a reasonable alternative to condemnation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the purchase of the above mentioned property in the amount of \$100,000.00 is hereby approved and authorized, with payment to be made from Account No. 553-6509-03.6011 CBR 005.

(Signed) Sandy Carmany

.....

After Mayor Allen introduced a resolution approving bids and authorizing execution of Contract No. 1999-18 in the amount of \$268,532 to Yates Construction Company, Inc., for the Franklin Boulevard sanitary sewer improvements, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

183-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-18 WITH YATES CONSTRUCTION COMPANY, INC. FOR FRANKLIN BOULEVARD SANITARY SEWER IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for sanitary sewer improvements for the Franklin Boulevard Sanitary Sewer improvements project;

WHEREAS, Yates Construction Company Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$268,532.00 as general contractor for Contract No. 1999-18, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Yates Construction Company, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 503-7062-01.6017 CBR 002.

(Signed) Donald R. Vaughan

(A tabulation of bids for the Franklin Boulevard Sanitary Sewer Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Councilmember Carmany moved approval of the minutes of the regular meeting of 7 September 1999. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of the Council.

.....

Mayor Allen moved that the ordinance rezoning from RS-12 Residential Single Family and Conditional Use—General Office Moderate Intensity to Conditional Use—Limited Business with specific conditions for property located on the east side of North Elm Street between Pisgah Church Road and Kenneth Road which had been defeated at the 7 September meeting of Council be reconsidered by Council at an appropriate future meeting. She stated she believed new information had been presented and the rezoning matter should be reconsidered. The motion was seconded by Councilmember Vaughan; the motion was adopted on an 8-1 voice vote of the Council. The City Attorney advised the rezoning would be appropriately advertised for public hearing.

.....

Councilmember (Mincello) Vaughan moved that Valerie Rechten be appointed to serve a term on the Community Resource Board; this term will expire on 15 August 01. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of the Council.

.....

Councilmember Burroughs-White congratulated McDonalds on Summit Avenue on their 40th anniversary of service to Greensboro; she noted that this facility was the first McDonalds in North Carolina.

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Councilmember Vaughan advised he had directed a recent caller regarding a Colt League Baseball issue to contact the Parks and Recreation Department.

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Councilmember Jones apologized for recent statements about Parks and Recreation; he stated that the Parks and Recreation Commission members had contributed significantly to the City's excellent recreational program.

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The Mayor expressed concern with the recent shooting of Police Officer C. W. Schoolfield and noted the Council understood the stress this placed on the Department, his family and the community; she extended to him best wishes for a speedy recovery. The Manager advised Officer Schoolfield was now recuperating at home.

The City Manager reminded Council that Greensboro would host the Annual Meeting of the North Carolina League of Municipalities October 24-26; he encouraged Council members to participate in the meetings and activities.

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Councilmember Jones moved that the City Council adjourn. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:19 P.M.

JUANITA F. COOPER
CITY CLERK

CAROLYN S. ALLEN
MAYOR
